

REMARKS

This amendment is submitted in response to the Office Action dated February 13, 2006. Claims 3-8, 11-20 were pending at the time of issuance of the Office Action. The Examiner rejected claims 17 and 19 as unsupported by the specification and not enabled based on 35 U.S.C. §112 ¶1, and as indefinite based on 35 U.S.C. §112 ¶2. The Examiner rejected claims 3, 4, 11, and 12 as anticipated by "E-Coupons and E-Tickets to Go" PC Magazine, May 23, 2000, p 80 (PC Mag). Claims 18 and 20 were rejected as obvious under 35 U.S.C. §103 in view of PC Mag in combination with International Publication No. WO 00/03328 issued to Hymel (Hymel). Claims 5-8 and 13-17 are rejected as obvious under 35 U.S.C. §103 in view of PC Mag in combination with U.S. Pat. No. 6,112,078 issued to Sormunen (Sormunen).

Applicants hereby amend claims 3, 5, 8, 11, 13, 17, 19, 20 and cancel claims 6, 7, 14, and 15. Reconsideration and reexamination of the present claims in view of the amendments and arguments submitted herein is respectfully requested.

Claim 19 is rejected under 35 U.S.C. §112 ¶1 for failure to comply with the written description requirement. More specifically, claim 19 is rejected for reciting "an authentication section" which the Examiner contends to be new matter. Applicants have amended claim 19, including removing the reference to "authentication section." Accordingly, Applicants respectfully submit that the rejection as to claim 19 is moot.

Claims 17 and 19 are rejected under 35 U.S.C. §112 ¶1 for being based on non-enabling disclosure. The Examiner contends that the use of the term "registration database" is not enabled, because the claims do not recite assigning user IDs and/or passwords. Applicants hereby amend claims 17 and 19 to recite that a registration database stores the user IDs and passwords which are being searched. Support for the amendment may be found in page 7, ll 18-24 of the specification. Thus, the references to searching the database in claims 17 and 19 are now accompanied by an explicit description of the data stored in the database. Therefore, Applicants respectfully submit that the enablement rejection has been overcome.

Claims 17 and 19 are rejected under 35 U.S.C. §112 ¶2 for being indefinite. The Examiner states that “in general, the language is confusing and indefinite.” It is believed that the amendments to claims 17 and 19 discussed above render the rejection moot. The Examiner also noted that the word “section” is missing from claim 19. Applicants have amended claim 19 to address this typographical error.

The Examiner rejected claims 3, 4, 11, and 12 as anticipated by PC Mag. Claims 3 and 11 are hereby amended to replace “script information” with “a script executable at the portable terminal device.” This amendment does not change the scope of the claims because it merely confirms the usual definition a person of skill in the art would give to the word ‘script’. Therefore, this amendment is not made for purposes related to patentability but merely to improve the clarity and readability of the claims.

Claims 3, 4, 11, and 12 are patentable over PC Mag because they recite reproducing “ticket data in a visible form at the event site for validating entrance to the event site.”

PC Mag fails to disclose the above recitation. PC Mag (fn. 2) shows a portable device displaying a generic picture of a ticket on its screen. However, this image does not validate entrance to an event site. Instead, PC Mag clearly states that entrance is validated by Bluetooth radio wave communications between the portable device and a Bluetooth-enabled reader: “you pay for and download a voucher from the Web and a Bluetooth enabled reader wirelessly takes your ticket at the Theater” (PC Mag, last sentence). It is well known in the art that a Bluetooth reader is not an optical scanner. ‘Bluetooth’ is known in the art as “a specification for short-range radio links between mobile computers, mobile phones, digital cameras, and other portable devices.”¹ Therefore, a Bluetooth reader is not an optical scanner but a device which reads data over a short range radio link in accordance with the Bluetooth protocol. Thus, it is readily apparent that the picture of a ticket shown in PC Mag, fn 2 is not used for validating entrance to an event site.

¹ Free Online Dictionary of Computing, “Bluetooth”, <<http://foldoc.org/foldoc.cgi?query=Bluetooth>>, (Attachment 1).

It appears that the Examiner understands that the present invention uses a visible form of the ticket data to validate entrance, whereas PC Mag uses non-visible data for validation. According to ¶23 of the Office Action, the Examiner contends that this difference is not reflected in the claim language. Applicants respectfully disagree. Claims 3, 4, 11, and 12 recite reproducing “ticket data in visible form at the event site for validating entrance to the event site.” This language sets forth that the visible form of ticket data is used for validation and not simply the ticket data itself.

Accordingly, PC Mag does not anticipate claims 3, 4, 11 and 12.

Claims 18 and 20 were rejected as obvious under 35 U.S.C. §103 in view of PC Mag in combination with Hymel. Claim 20 was amended to correct a typographical error. Claim 18 depends from claim 4 and claim 20 depends from claim 12.

Claims 18 and 20 are patentable over PC Mag because they depend from claims (4 and 12, respectively) which are patentable over PC Mag for the above discussed reasons. Claims 18 and 20 are also patentable over Hymel because Hymel does not disclose reproducing “ticket data in a visible form at the event site for validating entrance to the event site.” In fact, Hymel does not discuss validating entrance at an event site at all. Instead, Hymel discloses a system for providing coupons, affinity card numbers and demographical data at a merchant location. Therefore, Hymel does not cure the deficiencies of PC Mag and cannot be used in combination with PC Mag to render claims 18 and 20 invalid.

Claims 5-8 and 13-17 are rejected as obvious under 35 U.S.C. §103 in view of PC Mag in combination with Sormunen. Claim 5 is amended to include the limitations of claims 6 and 7 which are cancelled. Claim 8 is amended to remove a typographical error. Claim 13 is amended to include the limitations of claims 14 and 15, which are cancelled. Claim 17 was amended as discussed above.

Independent claims 5 and 13 recite that ticket data is reproduced by the portable device in visible or audible form to validate entrance to an event site. As such they are patentable over PC Mag for the reasons discussed above in connection with claims 3, 4, 11 and 12. A difference is that

claims 5 and 13 include the further possibility of reproduction in audible form. However PC Mag does not disclose validation based on audio (as discussed above, it only discloses validation based on radio communications). Therefore, even with the inclusion of audio, claims 5 and 13 are patentable over PC Mag.

Sormunen does not cure the deficiencies of PC Mag. More specifically, Sormunen does not disclose displaying visual or audio ticket data on a portable device and using that data to validate entry into an event site. Sormunen discloses a mostly unrelated system for sending secure passwords to users.

Therefore, independent claims 5 and 13 are patentable over the combination of PC Mag and Sormunen. Dependent claims 8, 16 and 17 are also patentable because they depend from patentable claims 5 and 13.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 393032028500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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Bluetooth

<protocol, standard> A specification for short-range radio links between mobile computers, mobile phones, digital cameras, and other portable devices.

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(2001-03-16)

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